

**PRODUCT:** 199 cases, each containing 24 1-pound, 5-ounce cans, of beans with pork at Washington, Pa.

**LABEL, IN PART:** "Phillips Delicious Beans with Pork and Delicious Tomato Sauce."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 21, 1945. The Phillips Packing Co., Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion, under the supervision of the Food and Drug Administration.

**8047. Adulteration and misbranding of canned brussels sprouts. U. S. v. 97 Cases of Brussels Sprouts. Default decree of condemnation and destruction. (F. D. C. No. 14198. Sample No. 75130-F.)**

**LIBEL FILED:** November 17, 1944, Western District of Washington.

**ALLEGED SHIPMENT:** On or about January 27, 1944, by the Howard Terminal Warehouse Co., from Oakland, Calif.

**PRODUCT:** 97 cases, each containing 24 jars, of brussels sprouts at Seattle, Wash. Examination showed that the product was short of the declared weight.

**LABEL, IN PART:** "Elpaco Brussel Sprouts contents 16 Oz. Avoir."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids and thrips.

Misbranding, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** April 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8048. Misbranding of canned mushrooms. U. S. v. Roland E. West (West Mushroom Co.). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 12566. Sample No. 74402-F.)**

**INFORMATION FILED:** January 26, 1945, District of Oregon, against Roland E. West, trading as the West Mushroom Co., Salem, Oreg.

**ALLEGED SHIPMENT:** On or about May 12, 1944, from the State of Oregon into the State of Washington.

**LABEL, IN PART:** "Shady Oak Fancy Buttons Mushrooms \* \* \* Contents 8 oz. Avoir. Drained."

**VIOLATION CHARGED:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents inasmuch as the labels affixed to the cans bore the statement "Contents 8 oz. Avoir. Drained," and the drained weight of the contents of the cans was less than 8 ounces avoirdupois.

**DISPOSITION:** February 2, 1945. The defendant having entered a plea of nolo contendere, a fine of \$25 was imposed.

**8049. Misbranding of canned peas. U. S. v. 198 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13998. Sample No. 67979-F.)**

**LIBEL FILED:** On or about October 16, 1944, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 29, 1944, by the Eavey Co., Xenia, Ohio.

**PRODUCT:** 198 cases, each containing 24 1-pound, 4-ounce cans, of peas at Richmond, Ind.

**LABEL, IN PART:** (Cans) "Sun Bird Wisconsin Sweet Peas \* \* \* Size 3 Packed by Reedsburg Foods Corp. Reedsburg, Wis."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Size 3" was false and misleading since the product was ungraded for size; Section 403 (g) (2), the article failed to bear, as required by the regulations, the name of the food, since its label bore the statement "Sweet Peas," whereas the product was canned peas of Alaska or other smooth-skin varieties; and, Section 403 (h) (1), the article was an Alaska or other smooth-skin variety of peas, and its quality fell below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the substandard legend as required by the regulations.